

CHAPTER 1. INTRODUCTION

BACKGROUND OF THE CALFED BAY-DELTA PROGRAM

The CALFED Bay-Delta Program ([CALFED](#)) is a consortium of federal and State agencies working to restore ecological health and improve water management for beneficial uses of the San Francisco Bay/Sacramento–San Joaquin River Delta estuary. The CALFED effort is a collaboration between these agencies and Bay-Delta “stakeholders”—urban and agricultural water users, fishing interests, environmental organizations, businesses, and others—who contribute to CALFED design, problem solving, and decision making.

The CALFED effort has been divided into three phases:

- **Phase I.** During this phase, the participants identified actions to resolve Bay-Delta problems and developed these actions into a set of alternatives for programmatic environmental review.
- **Phase II.** In this phase, the CALFED agencies identified a Preferred Program Alternative, which represents a long-term plan to address Bay-Delta problems; conducted programmatic environmental review that focused on broad policy and resource-allocation decisions; and developed a strategy for implementing the Preferred Program Alternative. Phase II concluded in August 2000 with the filing of the Programmatic Record of Decision ([ROD](#)), including certification, for the CALFED Bay-Delta Program Final Programmatic Environmental Impact Statement/Environmental Impact Report ([PEIS/EIR](#)).
- **Phase III.** This phase consists of implementation over a 30-year period of a variety of site-specific actions that are components of the Preferred Program Alternative analyzed in Phase II; the actions will be implemented in stages, with Stage 1 consisting of the first 7 years of implementation.

The CALFED agencies achieved programmatic compliance with the National Environmental Policy Act ([NEPA](#)), the California Environmental Quality Act ([CEQA](#)), and other environmental processes during Phase II. Implementation of all actions in Phase III will require site-specific environmental review and project-specific permitting and other regulatory compliance.

The responsibility for implementing specific CALFED actions lies with various CALFED member agencies and stakeholders. Implementing any specific action probably will require the completion of project-level compliance with NEPA and CEQA that tiers from the CALFED PEIS/EIR. Project proponents also will need to comply with the environmental review and permitting requirements of numerous federal, State, and local agencies. Depending on the

size and complexity of the action, several of the agency authorizations and permitting requirements may involve complex procedures, detailed review of proposed actions by the agencies that have regulatory authority, and potentially lengthy procedures for processing applications.

The CALFED staff and agencies are committed to coordinating and facilitating the permit application and environmental compliance processes across all CALFED programs as this site-specific work progresses. CALFED has undertaken a number of initiatives to assist project proponents through this process, including the preparation of this guide. The CALFED permit coordination efforts are focused on increasing the efficiency and effectiveness of the environmental compliance process. However, CALFED projects will not have any higher priority in the permitting and review process than non-CALFED projects.

OBJECTIVES OF THIS GUIDE

The CALFED objectives in providing this guide are to:

- help project proponents develop environmental compliance strategies for their projects;
- explain how to tier from the PEIS/EIR and comply with NEPA and CEQA;
- explain how to use the programmatic CALFED compliance documents;
- provide information on other programmatic commitments, such as adaptive management and mitigation monitoring, and describe how they affect individual projects; and
- explain the various permits and approvals that may be needed for projects and how they can be integrated into the NEPA/CEQA compliance process.

This guide is designed to provide clear guidance on the environmental documentation and regulatory requirements that could apply to CALFED actions. To provide this guidance, the guide is presented in two volumes, one providing general recommendations on environmental regulatory compliance for CALFED actions and the second presenting detailed information on specific regulatory processes.

Volume 1 contains the following chapters:

- **Chapter 1, “Introduction”**—Provides an overview of CALFED, guide objectives, organization of the guide, and recommendations for using the guide.
- **Chapter 2, “Environmental Compliance Strategy”**—Describes a general strategy for completing the environmental compliance requirements for implementing

CALFED actions. This chapter includes guidance on how to integrate adaptive management into the environmental compliance strategy for a project.

- **Chapter 3, “Guidance for NEPA and CEQA Compliance: Tiering from the CALFED PEIS/EIR and Integrating Permitting into the NEPA/CEQA Compliance Process”:**
 - provides an overview of NEPA and CEQA requirements;
 - describes what it means to tier from the PEIS/EIR, discusses the types of projects for which environmental documents must be tiered, and provides general guidance on how to tier from the programmatic documents;
 - discusses other programmatic commitments that may affect the NEPA/CEQA documents; and
 - describes how project proponents can integrate compliance with other environmental laws and regulations into the steps of NEPA and CEQA compliance.

Volume 2 provides information to assist project proponents in complying with the specific federal, State, and local environmental regulatory processes that could apply to CALFED actions. Included are examples of applications and agency approvals and permits.

USING THIS GUIDE

This guide was prepared by CALFED Bay-Delta Program staff and consultants. It does not replace formal or informal guidance issued by agencies on their regulatory programs. Every effort has been made to assure that this Guide is consistent with the respective agencies’ interpretations of their regulatory requirements. Nevertheless, this Guide necessarily summarizes the various programs, and readers should consult the formal and informal guidance and other official sources referenced in the bibliography for a more complete understanding of each regulatory program. To the extent that there is any inconsistency between this Guide and official regulatory agency guidance, the agency guidance must supercede this Guide.

Two types of recommendations for achieving efficient environmental regulatory compliance have been drawn from this effort. One set of recommendations is not specific to a particular type of action or regulatory process, but applies generally to implementation of CALFED actions. These recommendations are presented in this volume. Specifically, they consist of the general strategy for compliance presented in Chapter 2, the guidance presented in Chapter 3 on tiering NEPA/CEQA compliance documents from the PEIS/EIR, and the recommendations in Chapter 3 on integrating permitting into NEPA/CEQA compliance. The size and complexity of the project, as well as, the type of agencies involved and resources effected by the project will determine the recommendations that specifically apply to an action.

The second set of recommendations applies to specific regulatory processes. These recommendations are presented for each regulatory process in Volume 2 under the heading “What Are the Opportunities for Facilitating Compliance with This Process?” The CALFED agencies also have made various programmatic commitments and developed programmatic permits to administer these processes. The recommendations in Volume 2 include guidance on using these programmatic commitments and permits.

Volume 1 is structured so that it may be used as a stand-alone guide. With the general recommendations in this volume, CALFED intends to assist its member agencies and project proponents in developing overall strategies for environmental documentation and regulatory compliance for the individual CALFED actions that are consistent, coordinated, and thorough. Project proponents, however, are encouraged to use Volume 2 in conjunction with this volume to obtain additional information and recommendations on completing specific regulatory processes, including recommendations on using programmatic permits or approvals for some of these processes.

The permit coordination recommendations in this guide are provided to facilitate the project management and planning process; however, facilitating compliance with the process is only one aspect of project planning and should be coordinated with the other aspects of project management, including development of the project budget, schedule, design, and monitoring program.

There are a number of public and privately published references that provide additional information on regulatory processes in California. Some of these are listed below:

- California Office of Permit Assistance. 1997. *California Permit Handbook*. California Trade and Commerce Agency. Sacramento, CA.
- Bass, R. E., A. I. Herson, and K. M. Bogdan. 2001. *The NEPA Book: A Step-by-Step Guide to the National Environmental Policy Act*. Solano Press Books. Point Arena, CA.
- Bass, R. E., A. I. Herson, and K. M. Bogdan. 1999. *CEQA Deskbook: A Step-by-Step Guide on How to Comply with the California Environmental Quality Act*. Second edition. Solano Press Books. Point Arena, CA.
- Cylinder, P. D., K. M. Bogdan, E. M. Davis, and A. I. Herson. 1995. *Wetlands Regulation: A Complete Guide to Federal and California Programs*. Solano Press Books. Point Arena, CA.
- Curtin, D. 1999. *Curtin’s California Land Use and Planning Law*. Solano Press Books. Point Arena, CA.

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